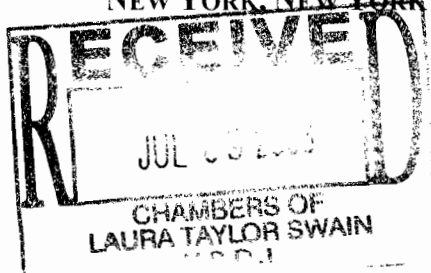


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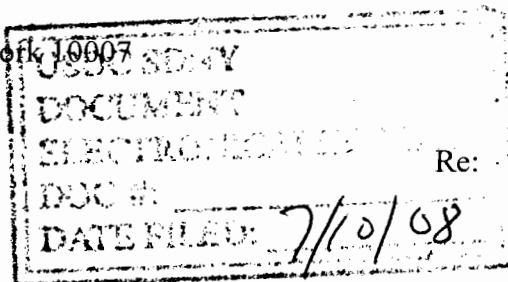
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July 8, 2008

By Hand

Honorable Laura T. Swain, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007
(212) 805-0417

MEMORANDUM ENCLOSED



Re: Piper, et al. v. Metropolitan Tower
Life Insurance Company
07 CV 9548 (LTS)

Dear Judge Swain:

We represent the Plaintiffs in the above-referenced matter. We write today in conjunction with counsel for Defendant with respect to the Court's Pre-Trial Scheduling Order dated February 15, 2008. Specifically, we write to request that the Court grant the parties a brief adjournment of the initial schedule as set forth below and in the attached proposed order.

First, the Parties request a thirty day extension of the non-expert discovery cut-off. While the Parties anticipate paper discovery being completed in the near future and note that depositions have been timely noticed, due to unanticipated scheduling difficulties, as well as lengthy, albeit ultimately unsuccessful, settlement discussions and negotiations, both prior and subsequent to the mediation with Magistrate Gorenstein, not all depositions can reasonably be completed by July 31, 2008. It should be noted in this regard that all known potential witnesses have been contacted and the parties have proposed dates that would fall well within the proposed thirty day extension.

Second, the Parties would request that Plaintiffs be granted an extension until August 15, 2008 to complete expert disclosures. While Plaintiffs have named a potential expert witness and provided a resume, albeit in the past week, it is unclear prior to the completion of paper discovery, which is anticipated prior to July 31, 2008, what such expert may be able to testify to or if he would be relevant at all. It is respectfully requested that Defendant then be granted until September 15, 2008, to submit any responsive expert disclosures.

Page 2
Extension Request
July 8, 2008

Third, the Parties jointly request a comparable thirty day extension of the time within which to file any dispositive motions until October 15, 2008.


Fourth, the parties respectfully request that the Final Pre-Trial Conference be adjourned approximately thirty (30) days to a date acceptable to the Court so as to allow compliance with the additional sections of the Court's initial Pre-Trial Scheduling Order.

No prior requests for extensions have been made in this matter.

As always, if you have any questions about this, or any other, matter, please do not hesitate to contact this office at any time.

Thank you for your time and attention in this regard.

Respectfully submitted,

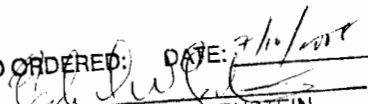


Ethan Leonard

cc: Tomasita Sherer (Via Electronic Mail Only On Consent)
Alvin Pasternak (Via Electronic Mail Only On Consent)

The deadlines in paragraphs 2a., 2b, and 3 of the February 15, 2008 Order are each extended by 30 days. The conference referenced in paragraph 9 is adjourned to December 19, 2008 at 10:00 a.m. The February 15 Order otherwise remains in effect.

In the future, please make pretrial applications to the undersigned. See Order, dated April 11, 2008.

SO ORDERED:  DATE: 7/10/08
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE